

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ADRIAN LOPEZ,

Petitioner,

v.

SUPERINTENDENT LILLEY,

Respondent.

**MEMORANDUM AND ORDER**  
22-CV-3526 (LDH)

LASHANN DEARCY HALL, United States District Judge:

Adrian Lopez (“Petitioner”), currently incarcerated at Eastern New York Correctional Facility, filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 1989 conviction in Kings County. Petitioner has paid the filing fee.

The Antiterrorism and Effective Death Penalty Act of 1996 “allocates jurisdiction to the courts of appeals, not the district courts, to authorize successive habeas motions or applications.” *Torres v. Senkowski*, 316 F.3d 147, 151 (2d Cir. 2003); 28 U.S.C. § 2244(b)(3)(A). This is Petitioner’s sixth habeas petition challenging his conviction. *See Lopez v. Griffin*, No. 17-CV-4487 (ARR) (Order dated August 2, 2017, transferring petition to Second Circuit as second or successive. Petitioner’s application to file denied by Mandate, No. 17-2389 (2d Cir. Oct. 17, 2017)); *Lopez v. Racette*, No. 14-CV-6795 (ARR) (Order dated December 5, 2014, transferring petition to Second Circuit as second or successive. Petitioner’s application to file denied by Mandate, No. 14-4572 (2d Cir. March 9, 2015)); *Lopez v. Sheehan*, No. 11-CV-4065 (CBA) (Order dated March 8, 2012, transferring petition to the Second Circuit as second or successive. Petitioner’s application to file denied by Mandate, No. 12-990 (2d Cir. July 10, 2012)); *Lopez v. Griffin*, No. 11-CV-4064 (CBA) (Order dated March 8, 2012, transferring petition to the Second Circuit as second or successive. Petitioner’s application to file denied by Mandate, No. 12-945

(2d Cir. July 25, 2012)); *Lopez v. Mantello*, No. 94-CV-3861 (CBA) (Order dated November 20, 1995, denying petition on the merits). Therefore, Petitioner must seek leave from the United States Court of Appeals for the Second Circuit to pursue this successive petition for habeas corpus relief. *See* 28 U.S.C. § 2244(b)(3)(A).

Accordingly, in the interest of justice, the Clerk of Court shall transfer this petition to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631. *See Torres*, 316 F.3d at 151–52 (citing *Liriano v. United States*, 95 F.3d 119 (2d Cir. 1996) (*per curiam*)). This Order closes this case. If the Second Circuit authorizes Petitioner to proceed in this matter, he shall move to reopen under this docket number.

SO ORDERED.

Dated: Brooklyn, New York  
December 1, 2022

/s/ LDH  
LASHANN DEARCY HALL  
United States District Judge